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Supreme Court, U.S.

October Term, 1989

No. 65 Original

TEXAS,

Plaintiff,

vs.

NEW MEXICO

Joint Motion of Stipulated Judgment

2/23.13

Grant 2/26/90

Filed 2/7/90, 19

IN THE SUPREME COURT OF THE UNITED STATES

No. 65, Original

STATE OF TEXAS,	)
	)
Complainant,	)
	)
v.	)
	)
STATE OF NEW MEXICO,	)
	)
Defendant.	)

SPECIAL MASTER'S RECOMMENDATION FOR ENTRY OF STIPULATED JUDGMENT

I recommend that the Joint Motion for Entry of Stipulated Judgment be granted and that the Court enter the Stipulated Judgment. The Joint Motion for Entry of Stipulated Judgment, Exhibit A, The Stipulated Judgment, and Exhibit B, which the parties attached concerning disbursement of the funds, are attached.

Dated: February 6, 1990.

D. Monte Pascoe, Special Master

No. 65, Original

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

STATE OF TEXAS, Plaintiff,

v.

STATE OF NEW MEXICO, Defendant.

JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT

Texas and New Mexico respectfully move the Court to enter the Stipulated Judgment attached hereto as Exhibit A, with the monetary payment to be disbursed in accordance with Exhibit B hereto. The parties state that they have fully compromised and settled Texas's claims for relief, other than claims for relief embodied in the March 28, 1988 Amended Decree and actions thereunder, for New Mexico's breaches of the Pecos River Compact for the years 1952 through 1986.

JIM MATTOX
Attorney General of Texas

MARY F. KELLER
First Assistant Attorney General

RENEA HICKS
Special Assistant Attorney
General and Counsel of Record

NANCY N. LYNCH
Assistant Attorney General
Chief, Environmental
Protection Division

HAL STRATTON
Attorney General of New Mexico

RODEY, DICKASON, SLOAN, AKIN &
ROBB, P.A.

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NEW MEXICO

No. 65, Original

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

STATE OF TEXAS, Plaintiff,

v.

STATE OF NEW MEXICO, Defendant.

EXHIBIT A TO JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT

No. 65, Original

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

STATE OF TEXAS, Plaintiff,

v.

STATE OF NEW MEXICO, Defendant.

STIPULATED JUDGMENT

Based upon the recommendation of the Special Master, the Joint Motion for Entry of Stipulated Judgment ("Joint Motion") is granted, and the Court hereby enters judgment as follows:

1. On or before March 1, 1990, New Mexico shall pay Texas $14,000,000, to be disbursed by Texas in accordance with Exhibit B to the Joint Motion, by either delivering a check or draft in that amount made payable to the State of Texas or transferring that amount to the State of Texas by electronic wire transfer.

2. Texas releases New Mexico from all claims for equitable or legal relief, other than the relief embodied in the March 28, 1988 Amended Decree and actions thereunder, arising out of New Mexico's breaches of the Pecos River Compact for the years 1952 through 1986, plus all claims for attorneys' fees and other costs incurred prior to August 10, 1989.

3. Nothing herein affects the Court's March 28, 1988 Amended Decree and actions thereunder.

APPROVED:

JIM MATTOX
Attorney General of Texas

MARY F. KELLER
First Assistant Attorney General

RENEA HICKS
Special Assistant Attorney
General and Counsel of Record

NANCY N. LYNCH
Assistant Attorney General
Chief, Environmental
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General

ATTORNEYS FOR THE STATE OF
NEW MEXICO

REVIEWED AND RECOMMENDED FOR ENTRY:

_____
D. Monte Pascoe, Special Master

No. 65, Original

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

STATE OF TEXAS, Plaintiff,

v.

STATE OF NEW MEXICO, Defendant.

EXHIBIT B TO JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT

Texas shall deposit $13,800,000 in the Texas Water Assistance Fund No. 480 of the Texas Water Development Board ("Board"), created pursuant to Chapter 15 of the Texas Water Code, to be used for agricultural and irrigation projects (including associated water quality improvement projects) and any necessary associated studies in the Texas counties of Loving, Ward, Reeves, and Pecos. In funding such projects and studies, the Board shall give preference to projects and studies affecting surface water irrigators in the Red Bluff Water Power Control District in the four designated Texas counties, if appropriate. The remaining $200,000 may be treated by the Attorney General of the State of Texas as attorneys' fees or investigative costs; provided, however, Texas and New Mexico agree that any use of the settlement funds in this manner does not constitute, and shall not be construed as, an admission, express or implicit, that New Mexico has any liability for Texas' attorneys' fees and costs incurred in this litigation.

IN THE SUPREME COURT OF THE UNITED STATES

No. 65, Original

STATE OF TEXAS,	)
	)
Complainant,	)
	)
v.	)
	)
STATE OF NEW MEXICO,	)
	)
Defendant.	)

SPECIAL MASTER'S RECOMMENDATION FOR ENTRY OF STIPULATED JUDGMENT

I recommend that the Joint Motion for Entry of Stipulated Judgment be granted and that the Court enter the Stipulated Judgment. The Joint Motion for Entry of Stipulated Judgment, Exhibit A, The Stipulated Judgment, and Exhibit B, which the parties attached concerning disbursement of the funds, are attached.

Dated: February 6, 1990.

D. Monte Pascoe, Special Master

THE ATTORNEY GENERAL OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

January 31, 1990

D. Monte Pascoe, Special Master
Ireland, Stapleton, Pryor & Pascoe
1675 Broadway, Suite 2600
Denver, Colorado 80202

Re: *Texas v. New Mexico*, No. 65, Original

Dear Mr. Pascoe:

Enclosed are originals of the documents which the parties have completed and signed to formalize their agreement in the phase of the case before you. They are:

1. Joint Motion for Entry of Stipulated Judgment;

2. Stipulated Judgment (which is Exhibit A to the Joint Motion); and

3. Exhibit B to the Joint Motion.

The parties submit these documents for your review and ask that you recommend that the Supreme Court enter the Stipulated Judgment, which contains a line at the end for you to signify your recommendation.

Would you please notify us when you have acted on the joint motion? If you forward the documents unchanged to the Court with a favorable recommendation, a copy of your transmittal letter is sufficient notice to us.

Sincerely,

Renea Hicks

Renea Hicks
Special Assistant Attorney General

P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2085

cc: Henry M. Bohnhoff
Nancy N. Lynch
Peter White
Randy Childress